

REMARKS / ARGUMENTS

I. General Remarks

Please consider the application in view of the following remarks.

II. Disposition of Claims

Claims 1-60 are pending in this application.

Claims 1, 5, 7, 8, 10, 13, 14, 16, 26, 28, 31, 32, 34, 44, 48, 51, and 52 have been amended to correct some claim informalities and to more clearly claim the present invention. These amendments are supported by the application as filed.

Claims 13, 14, 31, 32, 51, and 52 stand rejected under 35 U.S.C. § 112.

III. Objections to the Specification

The Examiner has objected to the specification under 37 C.F.R. 1.75(d)(1) and Manual of Patent Examining Procedure ("M.P.E.P.") § 608.01(o) as failing to provide proper antecedent basis for the claimed subject matter. Applicants will address each of these objections below.

A. "Interstitial Water"

First, the Examiner states that "no basis is seen in the specification for the limitation in claim 1 . . . wherein the subterranean zone penetrated by a wellbore 'comprises interstitial water'." (Office Action at ¶ 1.) In this Response, Applicants have amended claim 1 to remove the language referring to "interstitial water," and thus respectfully request the withdrawal of this objection to the specification.

B. "Poly(phenyllactide)"

The Examiner has also objected to the specification on the grounds that "no basis can be found for the degradable material comprising 'poly(phenyllactide)', as set forth in claim 14." (Office Action at ¶ 1.) Applicants respectfully disagree with this objection. Under 37 C.F.R. 1.75(d)(1), the meaning of the terms in the claims must be ascertainable by reference to the specification. *See* M.P.E.P. at § 608.01(o). Applicants note that ¶ [0021] of the specification supports the limitation that the degradable material comprise poly(phenyllactide), noting that "poly(phenyllactide) will degrade at about 1/5th of the rate of racemic poly(lactide) at a pH of 7.4 at 55°C." (Specification at ¶ [0021].) One skilled in the art would be able to ascertain from this sentence that the degradable material recited in claim 14 may comprise a "poly(phenyllactide)," and would understand what materials that term includes. Therefore,

Applicants respectfully assert that the specification sufficiently supports the limitation that the degradable material comprise "poly(phenyllactide)," and thus respectfully request the withdrawal of the objection thereto.

IV. Rejections of Claims

Claims 13, 14, 31, 32, 51, and 52 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. With respect to this rejection, the Examiner writes that these claims "recite the limitation 'degradable material' in line 1 of each claim. There is insufficient antecedent basis for this limitation in the claim. It appears that -- the degradable particulate -- was intended." (Office Action at ¶ 4.) In this Response, Applicants have amended these claims in accordance with the Examiner's request. Applicants thank the Examiner for his helpful suggestions regarding these claims.

The Examiner noted in the Office Action that these claims would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph set forth in the Office Action. (See Office Action at ¶ 6.) Therefore, Applicants respectfully request the withdrawal of these rejections, and assert that claims 13, 14, 31, 32, 51, and 52 are now in condition for allowance.

V. Allowed Claims

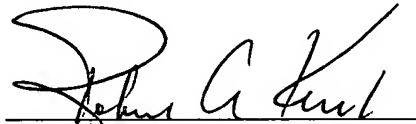
In the Office Action, the Examiner allowed claims 1-12, 15-30, 33-50, and 53-60. (See Office Action at ¶ 7.) Although several of these claims have been amended in this Response, Applicants respectfully assert that these claims are still allowable as amended herein.

SUMMARY

In light of the above remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections. Applicants further submit that the application is now in condition for allowance, and earnestly solicit timely notice of the same. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile, or electronic mail.

Applicants believe that there are no fees due in association with this filing of this Response. However, should the Commissioner deem that any additional fees are due, including any fees for extensions of time, Applicants respectfully request that the Commissioner accept this as a Petition Therefor, and direct that any additional fees be charged to the Deposit Account of Halliburton Energy Services, Inc., No. 08-0300.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Robert A. Kent", is written over a horizontal line.

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